

## **REMARKS**

Applicant believes that the amendments to the claims as well as the comments that follow will convince the Examiner that the rejections provided in the March 24, 2010 Office Action have been overcome and should be withdrawn. Applicant has amended claims 1 and 12, canceled claim 23 without prejudice and submitted new claim 24. Applicant submits that the changes are supported by the specification. No new matter has been added.

### **I. THE EXAMINER'S REJECTIONS**

The Examiner rejected claim 23 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has canceled claim 23 without prejudice, and reserves the right to prosecute the canceled claim in one or more continuation, continuation-in-part or divisional applications.

The Examiner rejected claims 1-5, and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Pugliese, et al., U.S. Pat. Pub. No. 2001/0016825 (hereinafter "Pugliese") in view of Quackenbush, et al., U.S. Pat. No. 6,512,964 (hereinafter "Quackenbush"), Block, et al., U.S. Pat. Pub. No. 2003/0055689 (hereinafter "Block") and Rouston, et al., U.S. Pat. Pub. No. 2001/0037243 (hereinafter "Rouston"). The Examiner states:

Pugliese teaches a method of providing automated reservations comprising the steps of: interacting with a plurality of users including a first user and a second user via a system (¶ 0011); authenticating said first user utilizing one or more forms of identification data provided by said first user to said system to access an awards account (¶¶ 0011, 74); acquiring itinerary data from said first user (¶ 0067); querying an itinerary database with said itinerary data and receiving a plurality of itineraries (¶¶ 0040, 0081); providing to said first user a plurality of itineraries (¶ 0040); allowing said first user to select an itinerary from said plurality of itineraries (¶ 0040); querying an awards database to determine if said first user has sufficient

awards in said awards account (§§ 0074-75); and acquiring payment information from said user for said selected itinerary (§ 0040).

Although Pugliese teaches the presence of baggage and storing information regarding it (§ 0014), it does not explicitly teach acquiring baggage data from said second user; and querying a baggage database for stored baggage information related to said baggage data; which are taught by Quackenbush (col. 3, lines 48-60; col. 5, line 54 - col. 6, line 4). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate this feature for the same reason it is useful in Quackenbush—namely, assisting a user in tracking baggage. Moreover, this is merely a combination of old elements in the art of travel systems. In the combination, no element would have served a purpose other than it already did independently, and one skilled in the art would have recognized that the combination could be implemented through routine engineering producing predictable results. Examiner notes that both Pugliese and Quackenbush are configured for multiple users, thus both meet the requirement that the system include first and second users.

Neither Pugliese nor Quackenbush teaches that the system used to interact with a user is an automated interactive voice response system (although both Pugliese (§§ 0039-40) and Quackenbush (col. 3, line 40) note the use of a telephone interface to interact, col. 3, line 40); which is taught by Block (§ 0010). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the automated interactive voice response system in Block for the systems used to interact with the user taught by Pugliese and Quackenbush. The systems share similar characteristics and functions, and all are disclosed as processing the same types of travel-related data. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate an automated interactive voice response system because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

While Pugliese teaches determining if said user has sufficient awards in said awards account for certain goods/services (§§ 0074-75), it does not explicitly teach determining if said user has sufficient awards in said awards account for an itinerary; which is taught by Rouston (§ 0035). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the itinerary awards purchase in Rouston for the awards purchase of other

goods taught by Pugliese. Both are disclosed as purchases of goods and are bought using a travel-related awards account. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate itinerary awards purchases because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results. (Office Action dated March 24, 2010, pp. 3-4) (emphasis in original).

The Examiner also rejected claims 2-5 and 7-10 as being unpatentable over Pugliese in view of Quackenbush, Block and Rouston. (Office Action dated March 24, 2010, pp. 5-6). The Examiner rejected claim 6 as being unpatentable over Pugliese in view of Quackenbush, Block and Rouston and further in view of Trader et al., U.S. Patent No. 5,854,837 (hereinafter “Trader”). (Office Action dated March 24, 2010, p. 6). Further, the Examiner rejected claim 11 as being unpatentable over Pugliese in view of Quackenbush, Block and Rouston and further in view of Lambert, et al., U.S. Pat. No. 6,282,649 (hereinafter “Lambert”). (Office Action dated March 24, 2010, p. 7). Finally, the Examiner rejected claims 12-22 as being unpatentable over the combinations of Pugliese, Quackenbush, Block, Rouston, Trader and Lambert as applied against claims 1-11. (Office Action dated March 24, 2010, p. 7).

## **II. THE EXAMINER’S REJECTIONS SHOULD BE WITHDRAWN**

The Examiner rejected claim 23 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has canceled claim 23 without prejudice, and reserves the right to prosecute the canceled claim in one or more continuation, continuation-in-part or divisional applications. Applicant therefore respectfully requests that this rejection be withdrawn.

Next, the Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Pugliese in view of Quackenbush, Block and Rouston. Applicant

respectfully disagrees and submits that the cited references do not teach or suggest all of the claim elements of the present invention. Specifically, Applicant submits that the Pugliese, Quackenbush, Block and Rouston references, individually or in combination, fail to disclose or suggest all of the limitations of claim 1.

Applicant's invention, as disclosed in the specification of the present invention, is a novel system and method that allows a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary and book the itinerary using an awards account and/or payment. The invention further allows a user to provide baggage data to query a database for stored baggage information. These limitations are not taught anywhere in Pugliese, Quackenbush, Block and Rouston.

Pugliese describes a system for electronic authorization and validation of pre-scheduled activities such as airline reservations. Pugliese discloses that once a passenger makes a reservation, "the passenger is then issued a plastic I.D. card that may be used to access the computer for validation purposes." (Abstract). A passenger may make a reservation by speaking with a live operator via telephone (§ 0011) or by using a plastic I.D. card at an ATM at the airport (§§ 0066-67). To check bags, the passenger proceeds to a baggage handling station where an agent uses the passenger's plastic I.D. card at a computer terminal. (§ 0013). The baggage agent tickets each bag and enters relevant information into the computer terminal. (§ 0014).

Rouston discloses a computerized system for redeeming frequent flyer miles, including redemption for a free or discounted airline ticket. (§§ 0008, 0036).

Quackenbush discloses a system in which an airline passenger's bags are picked up at the passenger's origin and delivered to the passenger's ultimate destination. (col. 1,

line 60 – col. 2, line 16). The passenger can access a website to check the status of the baggage. (col. 3, lines 56-60).

Block discloses an “Internet accessed air travel management system” that includes a “web-based planning and reservation interface system and an interactive access device.” (Abstract). Customers receive “access to the main website of the system” along with “access to numerous other websites for facilitating whatever travel arrangements the member wishes to make.” (§0010). A member may “log onto the system website” via personal computer, mobile telephone, or other communications device. (§0010). Figures 1 and 2 of Block depict an Internet-based implementation. Block explains that “a computer 2 connected to a monitor 4, program memory 6, and input device 10, are necessary for providing the website of the present system. The computer 2 is connected to the Internet 12 for permitting members or system users access to the main website of the system.” (§0048). Block requires that a user enroll in the system by entering several categories of information, after which the user is presented a home page. (§0050-51). Block therefore discloses a web-based system accessed via a website.

As the Examiner points out, Block states that a member is allowed to “use interactive voice response (IVR) systems to call in and book a reservation by voice or keypad.” (§0010). However, this disclosure is not operable or enabling. Block fails to disclose sufficient detail to enable a person of ordinary skill in the art to carry out the claimed invention. See MPEP 2121. No substantive disclosure is included to support automated interactive voice response (IVR) functionality. For example, Block states “[t]he OneTouch includes a transceiver such as an integrated phone for communicating with the central server through a wireless communications network, such as a cell phone

network.” (§0194). Block’s disclosure is inadequate because it fails to sufficiently describe how the phone would connect and interact with a plurality of users via an interactive voice response system. Therefore, Block merely discloses a website-based system without automated interactive telephone functionality.

A combination of the Block and Pugliese references by one of ordinary skill in the art would result in a system for electronic authorization and validation of pre-scheduled activities featuring an interactive website. A customer card-holder of the combined system would access online travel services via a central website. However, one of ordinary skill would not understand the Block reference to suggest an automated interactive voice response implementation of the Pugliese system. Further, the Block disclosure is insufficient to enable one of ordinary skill to create an automated interactive voice response system offering the services of the Pugliese system. Applicant respectfully submits that a combination of Block and Pugliese, with or without the addition of Quackenbush and Rouston, would not result in a system comprising all of the features of Applicant’s claimed invention.

Pugliese, Quackenbush, Block and Rouston therefore do not disclose Applicant’s present principles of allowing a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary, book the itinerary using an awards account and/or payment, and provide baggage data to query a database for stored baggage information. Specifically, one of ordinary skill in the art viewing Pugliese, Quackenbush, Block and Rouston would not reach the Applicant’s invention. A system incorporating the teachings of Pugliese and Block would result in a website-based system to authorize and validate pre-scheduled activities. The incorporation of Block into the Pugliese

system would not result in an automated interactive voice response system for allowing a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary, book the itinerary using an awards account and/or payment, and provide baggage data to query a database for stored baggage information. The incorporation of Quackenbush and Rouston fail for the same reason. Neither reference discloses or suggests the use of an automated interactive voice response system offering the features of Applicant's invention.

Applicant submits that the Pugliese, Quackenbush, Block and Rouston references, individually or in combination, fail to disclose or suggest all of the limitations of amended claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. §103(a) rejection of independent claim 1.

Further, as claims 2-11 depend either directly or indirectly from independent claim 1, they contain all of the elements and limitations of the claim from which they depend. Claims 2-11 are therefore patentable over Pugliese, Quackenbush, Block and Rouston for at least the same reasons as independent claim 1. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §103(a) rejection of claims 2-11.

To the extent the Examiner rejected claims 12-22 as being unpatentable over the combinations of Pugliese, Quackenbush, Block, Rouston, Trader and Lambert as applied against claims 1-11, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §103(a) rejection of claims 12-22 for the same reasons as discussed above with respect to claims 1-11.

Turning finally to new independent claim 24, Applicant submits that for the same reasons as discuss above with respect to claim 1, Applicant's claimed invention as

described in claim 24 is neither taught nor rendered obvious by any of the cited references, either alone or in combination. Moreover, none of the cited references teach a system such as the claimed system whereby a user is notified of a change in the selected itinerary. Consequently, Applicant submits that claim 24 is patentable over the cited references and is in condition for allowance

Applicant respectfully submits that Pugliese, Quackenbush, Block and Rouston do not individually or in combination disclose, teach or suggest the limitations required by independent claims 1, 12 and 24. Applicant's invention as defined by independent claims 1, 12 and 24 is not obviated by the references and is therefore in condition for allowance. Hence, the Examiner is respectfully requested to withdraw the rejections.

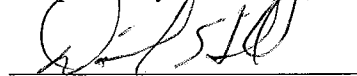
### **III. CONCLUSION**

Applicant submits that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

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Respectfully submitted,



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